

Jeffrey D. Hill v. New Castle County, et al.

C. A. No. 07-228 (GMS)

Plaintiff's Answering Brief In Opposition Of Defendants' Motion For Summary Judgment

APPENDIX F

Handwritten signature
6-14-06

**NEW CASTLE COUNTY
POLICE DEPARTMENT**

MEMORANDUM

TO: File

FROM: Captain Mark E. Hitch
Investigations Section Commander

SUBJECT: COMPLAINT BY CPL. HILL REGARDING SGT. HYDEN

DATE: February 1, 2006

=====

In mid-October 2005, Captain Elmer Setting brought to my attention an issue that had developed within the Mounted Patrol Unit. He indicated that Cpl. Jeffrey Hill had made a complaint to him that Sgt. Nicole Hyden was treating him unfairly. Captain Setting informed writer that with the pending transfer of the Mounted Unit under my command, he wanted to make me aware of the incident. Captain Setting had decided to conduct interviews with members of the unit and had informed Sgt. Hyden of his intent to do so. He invited me to sit in on the interviews.

After the transfer of command occurred, I was informed by Captain Setting that he had not conducted the investigation due to the pending transfer of command. The Thanksgiving holiday was approaching and having heard no further complaints I did not follow up on the issue until the first week in December. I then spoke with Cpl. Hill and told him that if he still felt that the issue existed, he was to complete a memorandum explaining his concerns. I did not receive the memorandum immediately and had to inquire again of Cpl. Hill if he was writing it. I did receive his memorandum on December 15, 2005. (See attached) I then scheduled a meeting with Cpl. Hill on Tuesday, December 20, 2005 to discuss his memorandum and his complaint. Cpl. Hill had documented issues dating back to December 2004, which he handed to me and as we talked, he went item to item, reading what he had written, and, at times, adding other information.

Cpl. Hill explained his feeling that the original issues between Sgt. Hyden and himself began in December 2004. According to Cpl. Hill, he was an acting sergeant and made a decision to have the radar unit in his vehicle calibrated, and to take OFC. Brown with

Memorandum to File
Complaint by Cpl. Jeffrey Hill

=====

him. The motor maintenance technician told him that the time had already been scheduled, and re-scheduling it would cause a lengthy delay in having the machine calibrated. A short time later, Hyden, who was very upset, contacted Hill. She asked him why they were not in the D.O.O.R. area as she had instructed. Hill expressed his belief that Cpl. Hoff had notified Sgt. Hyden that he and Brown were not in the D.O.O.R. area. Sgt. Hyden later responded to the Mounted Patrol office and met with the entire unit. She told them that when she instructs them to be in a certain area, they are to be there. She was obviously angry over the issue. After the meeting, Hill addressed Hyden because he could not understand why she was so upset. After explaining his reason for responding for the radar calibration instead of going directly to the D.O.O.R. area, he believed the issue had been resolved.

In March 2005, Sgt. Hyden met with Cpl. Hill, and during this meeting she informed him that his productivity (traffic tickets, traffic warnings, etc.) was the lowest in the unit. Cpl. Hill states that he expressed to Sgt. Hyden his feeling that Cpl. Darla Hoff had made comments to Sgt. Hyden about him that were influencing the sergeant's opinion about him. According to Cpl. Hill, he then asked the sergeant about his productivity around the stables and about his riding abilities to which she had no answer.

Cpl. Hill expressed his belief that the meeting about his lack of productivity occurred shortly after he had met with Sgt. Hyden and questioned some of the assignments, which the mounted unit had been completing. As the senior member of the unit, Cpl. Hill felt it was his responsibility to question the sergeant on these issues because other members of the unit were becoming worn down and feeling as if they were being given assignments outside of the unit S.O.P. After the meeting, Cpl. Hill felt that Sgt. Hyden was treating him "differently." When asked to explain the statement, he said that she was not treating him the same, and that she "acted differently." He did not seem to be able to further explain the meaning of the statement.

Cpl. Hill went on to advise that in July 2005, Sgt. Hyden was on vacation and named Cpl. Hoff as the acting sergeant for the unit. Cpl. Hill was not provided with a reason for the decision at the time, but later learned from Sgt. Hyden that he was not named acting sergeant because of a previous incident in which he kept the unit from getting out on the street for two hours while he searched for some reports. Cpl. Hill stated that he believed Cpl. Hoff informed Sgt. Hyden that he had held up the unit in an attempt to make him look bad with Sgt. Hyden.

On October 1, 2005, the Mounted Patrol Unit participated in the National Mounted Competition in Virginia Beach, Virginia. During the competition, Cpl. Hill placed first in the uniform competition and second in the equitation competition. Cpl. Hill stated that when he was awarded second in the equitation competition Sgt. Hyden was visibly irritated towards him, and Cpl. Hill attributed that irritation to the sergeant not placing herself. He went on to state that every member of the unit congratulated him with the

Memorandum to File
Complaint by Cpl. Jeffrey Hill

=====

exception of Sgt. Hyden and Cpl. Hoff, and according to him, Sgt. Hyden has yet to commend him for his performance. He stated that Cpl. Hoff and Sgt. Hyden turned their backs and walked away, and that they avoided him for the remainder of the weekend.

On October 4, 2005, upon returning to Delaware, Sgt. Hyden had another meeting with Cpl. Hill during which she stated that he did not do what she had instructed him to do while at the competition. This statement was in reference to Sgt. Hyden's instruction to clean the sheath of the horse he was assigned during the uniform competition. Cpl. Hill did acknowledge the horse's sheath not being cleaned could have caused the unit to lose the uniform competition and that, though being told to do so by Sgt. Hyden, he forgot to do same. Sgt. Hyden told Cpl. Hill she had considered making him clean all of the mounted unit horses' sheaths. It was during this meeting that Sgt. Hyden again mentioned Cpl. Hill's lack of productivity. According to Cpl. Hill, Sgt. Hyden informed him that this was now strike 2. He asked her if that meant transfer or discipline. She stated, "You saw what happened to Dave [Devine] didn't you?" Cpl. Hill took this to mean that she was talking of transfer. Cpl. Hill informed Sgt. Hyden that he felt as if she was singling him out for some reason, and she became very offended by this statement. Cpl. Hill indicated that while he has felt as though Sgt. Hyden has treated him differently since March 2005, he feels that since the mounted competition, she has been "retaliating" against him for his performance in the competition, creating a hostile work environment.

Cpl. Hill went on to speak about a statement which he overheard between Sgt. Hyden and Cpl. Hoff during which Cpl. Hoff told the sergeant that her doctor had stated she should not be riding horses any longer because of the results of an MRI on her back and neck. Cpl. Hoff, according to Cpl. Hill, was now riding the police mount, Tonka. Cpl. Hill said she wanted to ride Tonka because her back was hurting and she wanted to ride a smoother horse.

He added that after the initial complaint was made to Captain Setting, Sgt. Hyden advised everyone that things within the unit had to be different and that things would have to be "by the book". Cpl. Hill felt that this was an attempt to turn the unit against him by making it look like he was causing trouble. I explained to Cpl. Hill that I suspected after having the complaint made against her, Sgt. Hyden was probably attempting to do everything by the rules so that no further complaints would be made.

Sgt. Hyden also advised the unit to keep the incident within the unit because Captain Setting would be interviewing everyone. Cpl. Hill stated that he learned later from OFC. Brown that Cpl. Hoff had spoken with Rob Paolo at the garage and told him that Cpl. Hill had made the complaint.

He also advised that in the summer of 2005, Sgt. Hyden had a meeting with the unit

Memorandum to File
Complaint by Cpl. Jeffrey Hill

=====

while Cpl. Hoff was on vacation. Everyone with the exception of Cpl. Hill told Sgt. Hyden that Cpl. Hoff's "cut throat" personality was a problem within the unit.

Cpl. Hill stated that if they could start fresh tomorrow, he would be able to do so, but he did not believe that Sgt. Hyden would be able to do it.

Because of the allegations that Cpl. Hill made regarding the back injury to Cpl. Hoff, I contacted Sgt. Hyden immediately after the meeting with Cpl. Hill. I asked her if Cpl. Hoff had a back injury that kept her from being able to ride the horse. She advised that there were no such injuries to her knowledge, and I instructed her to have Cpl. Hoff complete a memorandum documenting same. Cpl. Hoff prepared the memorandum and it was turned over to me the next day.

I spoke with Officer William Brown on January 4, 2006. He has been in the unit for almost 3 years, and has worked for Sgt. Hyden for about 2 years. He does not feel that Sgt. Hyden has treated him unfairly or differently than any other member in the unit. He did say there was a "tension" between Sgt. Hyden and Cpl. Hill. When asked why, he said that he believed it was a process for the situation to get to where it was. He stated that, "Jeff is not lazy, but is not a real go-getter." He said over the last year, Sgt. Hyden had displayed "a little attitude towards [Cpl. Hill]." He said he first noticed an issue during the incident with the radar calibration. He said it took them about half of the day to get the radar calibrated and then they went to lunch. He said that Sgt. Hyden came in on her day off and addressed the whole unit about being where she instructed them to be. She told them that they were supposed to be on the horses and not calibrating the radar unit. When they told her that they had been called by the motor maintenance person, she told them that they did not work for him, but her. Brown felt that the issue was not as big a deal as Sgt. Hyden made of it.

Brown was not aware of any other members of the unit with whom Sgt. Hyden had a problem. When asked about problems with other members of the unit, Brown stated that it seemed like everything was a competition with Cpl. Hoff. He stated that he "loved her to death", but that it seemed as if she wanted to get attention for the things that she does in the unit. He believed that the issue was more pronounced with Cpl. Hill because they had known each other for so long. They would "have it out", and then things would be fine for a while. Officer Brown stated that Cpl. Hoff worked very hard, but then would tell everyone about it.

Brown said that the acting supervisor position used to be Cpl. Hill, but then switched to Cpl. Hoff because Cpl. Hill held the unit up one day while dealing with a paperwork issue. He did not personally remember the incident, but Cpl. Hill and Cpl. Hoff had told him about it.

During the mounted patrol competition, Officer Brown stated that after Cpl. Hill placed

Memorandum to File
Complaint by Cpl. Jeffrey Hill

=====

2nd in the equitation competition that Sgt. Hyden told Cpl. Hill, "nice job", but she was not as enthusiastic as everyone else. He stated that she was obviously disappointed, but that she did not seem as if she was angry with Cpl. Hill. He did state that Cpl. Hoff made the comment that she couldn't believe Hill had placed 2nd because his horse never cantered. Officer Brown did not notice any difference in how Cpl. Hill was treated by Sgt. Hyden after the competition as compared with before.

Officer Brown finally advised writer that he has heard Cpl. Hoff complain about her back hurting and saying that Laura is killing her back because she is such a rough ride. Brown has heard Hoff say that her personal doctor has cautioned her about riding horses, but always believed it to be an exaggeration because she is always looking to get a horse that will win her a ribbon at competitions.

I then spoke with Officer James Henasey. Officer Henasey advised that he has been a member of the mounted unit for almost 5 years and has worked for Sgt. Hyden for 2 of those years. He does not believe that he or any other member of the unit is treated differently or preferentially by Sgt. Hyden. He stated that Sgt. Hyden attempted to work with everyone on vacations and when they were sick. When sick, she would give them an assignment in the police car as opposed to on horseback. She did this for all members of the unit at one time or another. He advised that Cpl. Hill was permitted to ride in the police car for a few days after slightly injuring his hamstring off duty. He stated that he recognized a tension between Sgt. Hyden and Cpl. Hill. When I asked him to explain, Officer Henasey asked if he could just tell me how he felt about the situation. He said that though he and Cpl. Hill were friends and did a lot of things together while off duty, he felt that Cpl. Hill was lazy and Cpl. Hill felt that he was a "kiss ass". He went on to advise that when Cpl. Hill made the complaint, there were rumors of pending transfers. He believes that Cpl. Hill made this complaint to save himself from being transferred. He also stated that he believed that Cpl. Hill was beginning to regret making the complaint and that if he could take it all away, he thought Cpl. Hill would do so. I explained that it was obviously too late for that to occur at this point and he acknowledged that.

He said that he did not notice Cpl. Hoff or Sgt. Hyden turn their backs on Cpl. Hill at the mounted competition and stated that Cpl. Hill did not deserve to be 2nd in the competition. He said that Cpl. Hill knew this as well. He said that the horse did not do what was called for during the competition.

He said that he did not hear Cpl. Hoff talk about her back and the instructions from her doctor, but did hear that she made the comment to other members of the unit.

I then spoke with Cpl. Joe Berg on January 5, 2006. Cpl. Berg, recently transferred from the unit, had been in the unit for a total of 7 years and been supervised by Sgt. Hyden for 2 years. He stated that he never felt as if he was treated unfairly and when

Memorandum to File
Complaint by Cpl. Jeffrey Hill

=====

asked if anyone was treated unfairly, he said, "absolutely not". When asked if Sgt. Hyden had problems with anyone, he said, "never, she's as easy going a person as there is."

Cpl. Berg did state that Cpl. Hill and Cpl. Hoff did not care for each other. His assessment was that both were into themselves and neither would ever admit that they are wrong. He felt as if everyone else ignored the issues with them.

He was aware that Cpl. Hoff was the acting supervisor more often than Cpl. Hill, but attributed that to the fact that Cpl. Hoff would do what Sgt. Hyden instructed while Cpl. Hill seemed to avoid doing the things she instructed at times. He described Cpl. Hill as "competent, but lazy."

He said that it was a "toss up" between Cpl. Hill and OFC. Guyton as far as who was the weakest performer on the street, but added that Cpl. Hill was not as quick to pitch in with work around the stables. He stated that Cpl. Hill was "not a team player". He was aware that Cpl. Hill had been "called to the carpet" a couple of times about his lack of performance.

He remembered the incident over the radar calibration much the same as everyone else. He felt that Sgt. Hyden overreacted to the situation, but stated that he knew she was under pressure at that time.

At the competition, Cpl. Berg advised that everyone felt that Cpl. Hill did not deserve to place 2nd. He advised that his horse did not canter except right in front of the judge. He advised that Sgt. Hyden was dejected because she did not receive a call back in the equitation competition, but he did not observe either her or Cpl. Hoff act negatively towards Cpl. Hill. Cpl. Berg was not present during the meeting between Cpl. Hill and Sgt. Hyden upon returning to Delaware, but heard later from Cpl. Hill that Sgt. Hyden had brought him in regarding issues that Cpl. Hoff had brought up.

Cpl. Berg finally advised that Cpl. Hoff cannot get onto her horse without the assistance of a drop stirrup. She has told members of the unit that she has some bad disks in her back. Cpl. Berg does not remember ever hearing Cpl. Hoff say that her doctor warned her against riding, but he has heard that from other members of the unit.

I then spoke with Officer Guyton. He has been a member of the unit for 4 years and worked for Sgt. Hyden for 2 years. He did not feel that he has been unfairly treated, but did feel that his opinion is not weighed as heavily as others are. He specifically named Cpl. Hoff. He felt that Cpl. Hoff received preferential treatment from Sgt. Hyden. When asked to elaborate, he said that one day Cpl. Hoff was wearing a fleece while on patrol, and he believed that if it had been anyone else, they would have been told to take it off. He also felt that Cpl. Hill would be questioned quicker on issues by Sgt. Hyden than

Memorandum to File
Complaint by Cpl. Jeffrey Hill

=====

some other members of the unit. He stated that he was aware that Sgt. Hyden had issues with another member of the unit, Cpl. Devine, but stated that was "probably justified" because he was unmotivated and "slothful". He too remembered the issue with the radar calibration as other members of the unit; he also thought that Sgt. Hyden overreacted to the situation.

Officer Guyton expressed that Cpl. Hoff does things to highlight herself with Sgt. Hyden and he believed she did things to bring others down. He did not see a pattern in how the acting sergeant position was assigned. Sometimes it would be Hill and other times it would be Hoff. He said that though Cpl. Hill would sometimes speak up about issues, he did not see any repercussions because of it.

Officer Guyton advised that during the competition, Tonka, the horse Cpl. Hill was riding, did not canter. He expressed surprise that Cpl. Hill placed 2nd, but stated that he and Officer Brown were happy for him. Sgt. Hyden expressed her pleasure with how everyone had done. He said there had always been some level of tension between Sgt. Hyden and Cpl. Hill, but he did not notice that it had increased after the competition. He said that he is friends with Cpl. Hill and that Cpl. Hill had advised him that Sgt. Hyden questioned him about failing to clean the horses sheath prior to the uniform competition. Officer Guyton also stated that prior to the mounted competition the saddle pad had lint balls on it. He went on to state Cpl. Hoff told Sgt. Hyden that she had told Cpl. Hill to clean them. To Officer Guyton, it seemed as if Hoff was attempting to "throw wood on the fire."

Officer Guyton said that he has heard Cpl. Hoff complain about her back hurting, but has never heard her say that her doctor recommended she not ride. He stated that she cannot get on her horse without a drop stirrup and that it is embarrassing.

Officer Guyton advised that Cpl. Hill has expressed to him that he has felt uncomfortable with Sgt. Hyden since the competition. He has also told him that he felt as if he was treated unfairly.

He stated that the most productive members of the unit were Cpl. Hoff and Officer Henasey, while the least productive prior to the competition was Cpl. Hill. Officer Guyton stated he always assumes that everyone is pitching in equally around the stables.

I then spoke with Cpl. Hoff. She has been in the unit 3 ½ years and has worked for Sgt. Hyden for 2 years. She does not feel that anyone is treated differently or unfairly. Cpl. Hoff advised that she was not aware of any real issues until Cpl. Hill made the complaint with Captain Setting. She said that Cpl. Hill was not speaking with her, though he laughed and joked with everyone else in the unit. She did not know why he would not speak with her unless it was because of the issues he brought up about her

Memorandum to File
Complaint by Cpl. Jeffrey Hill

=====

back. She said he would be driving the truck with her in the passenger seat, and he would stare out the windshield in a catatonic state and not speak with her at all. She said that the acting supervisor position used to be Cpl. Hill and then it switched to be both of them at different times. At some point while working the City of Wilmington during summer of 2005, Cpl. Hill asked her why that was, and she told him he should ask Sgt. Hyden.

During the competition, Cpl. Hoff did not believe that Cpl. Hill deserved to place 2nd. She said that Cpl. Hill expressed the same thing to her, and she told him not to worry about it. She felt that Sgt. Hyden acted with disbelief when Cpl. Hill placed 2nd, just as many others did. She said that when they returned to Delaware, Sgt. Hyden said, "What happened in Virginia Beach stays in Virginia Beach." She took that to mean that everyone should stop teasing Cpl. Hill about the competition.

Cpl. Hoff stated that about 2 ½ years ago she was thrown from a horse and Lt. Crowell completed a SIR report form. She never missed any sick time and went on pre-approved vacation right after the fall. She fell down stairs last year and went to her own doctor. She was told that her back was bruised, but she did not have a MRI.

I reviewed this issue with internal affairs and was told that there were no obvious violations of the directives that Sgt. Hyden had committed.

On Monday, January 23, 2006, I met with Sgt. Hyden and her attorney, John Malik. Sgt. Hyden has commanded the mounted patrol unit since September 2003. She does not believe that she treats any member of the unit unfairly or preferentially. When asked if there was friction between any members of the unit, she stated that the members of the unit are together all of the time and because of that, there are occasional disputes between members. She had been told since the original complaint was made that there were some issues regarding Cpl. Hoff. She acknowledged noticing in the past that the unit members seemed to "scramble" to trucks away from Cpl. Hoff. When she spoke with them about it, they said that she just talked all of the time. She stated that she felt that was just her personality and she asked the unit members to try to include her more often. She felt that being the only woman in the unit made Cpl. Hoff feel left out at times. Sgt. Hyden also acknowledged a tension between Hill and Hoff, but never felt that it was serious enough to address.

Prior to July 2005, the acting sergeant position rotated between Cpl. Hill and Cpl. Hoff. They both knew it and had no objections to that process. Since July 2005, Cpl. Hoff had been the acting sergeant for the unit when Sgt. Hyden was off. She stated that she made this decision after an incident that month when she had attended an operations meeting at headquarters and had instructed the unit to respond to Manor Park. After the meeting, she responded to Manor Park and found that the unit had still not arrived. She learned that the entire unit had been held up while Cpl. Hill searched for missing

Memorandum to File
Complaint by Cpl. Jeffrey Hill

=====

reports. She instructed the entire unit that administrative assignments given to members of the unit were expected to be completed without holding up the unit from getting the mounts on the street. It was at that time she decided Cpl. Hoff would be the acting sergeant every time Sgt. Hyden was off. Sgt. Hyden advised that she never told Cpl. Hill of this decision and her reasoning for same, and she acknowledged that she should have done so.

On the date in December 2004, Sgt. Hyden was on vacation and had instructed the unit to be in D.O.O.R. area. Her direction came from the Chief of Police. She had also asked Sgt. Calhoun to respond to the area to take photographs of the unit while they were working. Sgt. Calhoun called Sgt. Hyden and informed her that the unit was not in the area, as she had instructed. She contacted Hill and ordered him to get the unit to the area. At the end of the day, Sgt. Hyden responded to the stables and met with the entire unit. She instructed them that when she gives them an assignment, they are to complete that assignment and not to respond anywhere else unless told to do so by a superior officer. Sgt. Hyden explained that she felt the unit was being highly scrutinized and felt some pressure to have them out in an operational capacity as much as possible. I explained to her that most of the unit believed that she had overreacted in the situation, and that while I understand she was under pressure, it really was not as big an issue as she seemed to have believed at the time.

Regarding the mounted competition, Sgt. Hyden sedated the horse so that Cpl. Hill could clean the horse's sheath. She informed him that she was sedating the horse and explained to him that he needed to complete the task. She then left the area, assuming the task would be completed. Ten minutes before the competition began, Sgt. Hyden and Cpl. Phil Davis were working to get the horse ready when he dropped his sheath and they noticed that it had not been cleaned. She and Cpl. Davis cleaned the sheath, and though she was angry, Sgt. Hyden did not say anything about it at the time. The unit won the uniform competition.

Sgt. Hyden stated that she was bothered by not having received a call back during the equitation competition, but did not feel that she demonstrated any anger towards Cpl. Hill when he placed 2nd. She acknowledged that she did not believe the horse performed well enough to place 2nd. She stated that when everyone returned to Delaware, she advised the unit that all anyone needed to know was that they had won 1st, 2nd, and 9th place awards. She meant that nobody was to question or make comments about their belief that Cpl. Hill's horse did not perform well enough for the award. Upon returning to Delaware, Cpl. Hill approached her in the mounted patrol office and made a comment about Cpl. Davis' dedication and work ethic. She saw this as the opportunity to address the issues and discussed his failure to follow her direction about cleaning the horse's sheath and also discussed with him his lack of productivity. I did express to Sgt. Hyden my belief that having Cpl. Hill clean the sheath of every horse in the stables would have been an inappropriate way to address the issue. I

10

Memorandum to File
Complaint by Cpl. Jeffrey Hill

=====

acknowledged that she obviously realized that as well because she did not give that direction.

Sgt. Hyden provided me with statistics for unit members dating back to October 2004 and included the number of times officers had participated in special events on days which they were off. The packet she provided also included a list of incidents which she discussed with me during the interview. The packet is attached to this memorandum. Her belief was that her highest performer in the unit was Officer Henasey, while Cpl. Hill was the lowest. She based this not only on statistics, but on all around work at the stables and willingness to participate in special assignments during weekends and holidays.

At the end of this meeting, I informed Sgt. Hyden that we would be meeting with Cpl. Hill in order that they could both express their concerns and issues. I also informed her that Cpl. Hill was still expected to work to the level of other members of the unit and that if he did not Sgt. Hyden was to bring that to my attention. She expressed some concerns over this because she had been informed that Cpl. Hill was taking notes on the things that she did. I explained that if she continued to be fair and equitable in dealing with the members of the unit, it did not matter what notes were being taken. She agreed and the meeting ended.

On January 25, 2006, I met with Cpl. Hill and advised him that I had found no evidence that Sgt. Hyden had violated directives or policies. I informed him that I had reviewed the issues with the Professional Standards Unit and they agreed. I also informed Cpl. Hill that I found no evidence that Sgt. Hyden's behavior was "harassing" or "threatening". I further told him that Sgt. Hyden was his supervisor and he was obligated to follow her directions. He stated that he understood and would do so. He did express his disagreement with my findings, but was never disrespectful or unprofessional. I explained that Sgt. Hyden would be brought in and that he would have an opportunity to express his feelings and concerns to her, but that he was to be respectful and professional in speaking with her. I told him that she too would be given an opportunity to express her concerns and issues to him and that she would then tell him what was expected of him as a member of the unit. Cpl. Hill was aware and agreed to that.

I spoke with Sgt. Hyden and Cpl. Hill for well over three hours about these issues. Each was given a chance to express their feelings about the issues. Sgt. Hyden expressed that the discussion in October about the competition was begun when Cpl. Hill mentioned to her about how dedicated and hard working Cpl. Davis was at the competition. It was only then that Sgt. Hyden mentioned the cleaning of the horse's sheath. Cpl. Hill did not dispute this as the way that the conversation began, though he had initially indicated that Sgt. Hyden called him in specifically for the conversation.

Memorandum to File
Complaint by Cpl. Jeffrey Hill

=====

After the meeting, during which many issues were discussed and debated, we all agreed that the slate was clean. It seemed to me that though he did not agree completely with my opinions in this case, Cpl. Hill was going to make an effort to raise his level of performance both on the street and around the stables.

After conducting the interviews, it is my opinion that Sgt. Hyden has violated no departmental directives. It is clear and not disputed that Sgt. Hyden has discussed the issues of his performance with Cpl. Hill on at least two separate occasions. The statistics demonstrate that he is the lowest or among the lowest performers in the unit. While statistics are certainly not the only gauge to measure an officer's performance, they are a portion of that evaluation. Additionally, Cpl. Hill has not been the most productive member of the unit as it applies to his assistance around the stables. This assessment is not just the opinion of Sgt. Hyden, but of most of his fellow unit members as well. While I did discuss with Sgt. Hyden that in my opinion suggesting cleaning the sheaths of all the mounted unit horses was not appropriate, addressing Cpl. Hill's failure to follow her direction on that issue was appropriate. She also had the absolute right, and responsibility, to address the continued performance issues.

I find no reason to believe that Sgt. Hyden acted inappropriately towards Cpl. Hill at the mounted patrol competition. The failure to clean the horse's sheath during the uniform competition could have caused the unit to lose that competition. This is not disputed by Cpl. Hill, nor is the fact that Sgt. Hyden instructed him to see that it was taken care of. It was appropriate for her to bring it to his attention upon returning to Delaware after the competition. I am cognizant of the fact that his feelings were hurt at the time by what he perceived as Sgt. Hyden's failure to acknowledge his achievement in the equitation competition; however, she was not obligated to praise Cpl. Hill for placing 2nd in that competition when she did not feel that the award was justified by the performance of his horse. This was a feeling shared by other members of the unit and by Cpl. Hill himself. That being said, it does seem that Sgt. Hyden did acknowledge Cpl. Hill's accomplishment by saying, "good job", albeit just not as enthusiastically as Cpl. Hill may have hoped.

It is my opinion that Cpl. Hill is not being "singled out" because Sgt. Hyden dislikes him. I believe that he is being addressed on performance issues that the sergeant has identified, and it is her right and obligation to address those issues.